

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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)
ELVIN MERCADO,
)
Petitioner,
)
v.
) Civil No. 04-11653-PBS
UNITED STATES OF AMERICA,
)
)
Respondent.
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)

**PETITIONER'S MOTION FOR
IMPOUNDMENT UNDER LOCAL RULE 7.2**

Pursuant to Local Rule 7.2, Petitioner Elvin Mercado hereby moves to impound the accompanying *ex parte* Presentence Report (Exhibit A to the Memorandum in Support of Second Amended Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence). Exhibit A is being filed by hand in conjunction with this motion.

The above-referenced exhibit contains confidential and private information concerning Mr. Mercado's criminal history.

Wherefore, Petitioner Elvin Mercado respectfully requests that the Court impound the above-referenced documents pursuant to Local Rule 7.2.

Respectfully submitted,

/s/ Roberto M. Braceras

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Dated: December 1, 2006

**LOCAL RULE 7.1(A)(2) CERTIFICATION AND
CERTIFICATE OF SERVICE**

The undersigned certifies that, pursuant to Local Rule 7.1(A)(2), the moving party has conferred with counsel for the government, Assistant U.S. Attorney Peter K. Levitt, on the matters set forth in the foregoing motion, and the government assents to this motion.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 1, 2006.

/s/ Roberto M. Braceras